

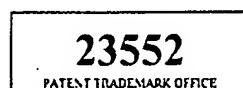
| | | | | |
|--|--|--|------------------------------|-----------------------------------|
| FORM 1449* INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION <small>(Use several sheets if necessary)</small> | | | Docket Number: 13033.USCI | Application Number: 10/825,483 |
| | | | Applicant: METZGER ET AL. | |
| | | | Filing Date: 04/14/2004 | Group Art Unit: 3731 |

JAN 31 2005
U.S. PATENT AND TRADEMARK OFFICE

| U.S. PATENT DOCUMENTS | | | | | | |
|------------------------------|-----------------|------------|-----------------|-------|----------|----------------------------|
| EXAMINER INITIAL | DOCUMENT NO. | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
| DT | 6,216,702 B1 | 04/17/2001 | Gjersøe | | | |
| | 2002/0049479 A1 | 04/25/2002 | Pitts | | | |
| | 2004/0045556 A1 | 03/11/2004 | Nelson et al. | | | |
| | 6,748,950 B2 | 06/15/2004 | Clark et al. | | | |
| | 2004/0134491 A1 | 07/15/2004 | Pflueger et al. | | | |
| | 2004/0139975 A1 | 07/22/2004 | Nelson et al. | | | |
| | 2004/0149290 A1 | 08/05/2004 | Nelson et al. | | | |
| MM | 2004/0153127 A1 | 08/05/2004 | Gordon et al. | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

| FOREIGN PATENT DOCUMENTS | | | | | | |
|---------------------------------|--------------|------|---------|-------|----------|-------------|
| | DOCUMENT NO. | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION |
| | | | | | | YES NO |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) | | | | | | |
|---|--|--|--|--|--|--|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |



| | | | |
|---|----------------------|-----------------|----------------|
| EXAMINER | <i>Deopak Chahal</i> | DATE CONSIDERED | <i>9/21/05</i> |
| EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant. | | | |

Date Mailed: July 29, 2004

Sheet 1 of 1

| | | |
|--|-------------------------------|-----------------------------------|
| INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary) | Docket Number: 13033.SUSC1 | Application Number: 10/825,483 |
| | Applicant: METZGER ET AL. | |
| | Filing Date: 04/14/2004 | Group Art Unit: UNKNOWN |



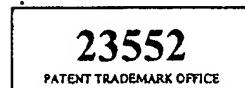
| | | | |
|----------|-----------------|-----------------|----------------|
| EXAMINER | <u>Campbell</u> | DATE CONSIDERED | <u>9/21/05</u> |
|----------|-----------------|-----------------|----------------|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.

Date Mailed: July 1, 2004

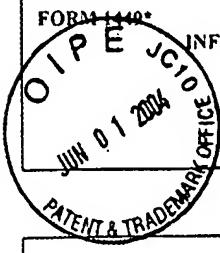
Sheet 1 of 1

| | | |
|--|---------------------------|-------------------------|
| FORM 1449*  INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary) | Docket Number: | Application Number: |
| | 13033.SUSC1 | 10/825,483 |
| | Applicant: METZGER ET AL. | |
| | Filing Date: 04/14/2004 | Group Art Unit: UNKNOWN |



| | | | |
|----------|--------------------------|-----------------|----------------|
| EXAMINER | <i>Douglas L. Miller</i> | DATE CONSIDERED | <i>9/21/05</i> |
|----------|--------------------------|-----------------|----------------|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.

| | | |
|---|-------------------------------|-----------------------------------|
|  INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary) | Docket Number: 13033.SUSC1 | Application Number: 10/825,483 |
| | Applicant: METZGER ET AL. | |
| | Filing Date: 04/14/2004 | Group Art Unit: UNKNOWN |
| | | |

| U.S. PATENT DOCUMENTS | | | | | | |
|-----------------------|--------------|------------|------------------|-------|----------|----------------------------|
| EXAMINER INITIAL | DOCUMENT NO. | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
| JKH | 3,998,209 | 12/21/1976 | Macvaugh | | | |
| | 4,803,075 | 02/07/1989 | Wallace et al. | | | |
| | 4,830,008 | 05/16/1989 | Meer | | | |
| | 4,978,323 | 12/18/1990 | Freedman | | | |
| | 5,046,512 | 09/10/1991 | Murchie | | | |
| | 5,052,409 | 10/01/1991 | Tepper | | | |
| | 5,133,354 | 07/28/1992 | Kallok | | | |
| | 5,158,080 | 10/27/1992 | Kallok | | | |
| | 5,176,618 | 01/05/1993 | Freedman | | | |
| | 5,178,156 | 01/12/1993 | Takishima et al. | | | |
| | 5,190,053 | 03/02/1993 | Meer | | | |
| | 5,204,382 | 04/20/1993 | Wallace et al. | | | |
| | 5,258,028 | 11/02/1993 | Ersek et al. | | | |
| | 5,284,161 | 02/08/1994 | Karell | | | |
| | 5,421,406 | 06/06/1995 | Furusawa et al. | | | |
| | 5,456,662 | 10/10/1995 | Edwards et al. | | | |
| | 5,494,029 | 02/27/1996 | Lane et al. | | | |
| | 5,514,131 | 05/07/1996 | Edwards et al. | | | |
| | 5,540,733 | 07/30/1996 | Testerman et al. | | | |
| | 5,591,216 | 01/07/1997 | Testerman et al. | | | |
| | 5,674,191 | 10/07/1997 | Edwards et al. | | | |
| | 5,669,377 | 09/23/1997 | Fenn | | | |
| | 5,718,702 | 02/17/1998 | Edwards | | | |
| | 5,791,341 | 08/11/1998 | Bullard | | | |
| | 5,792,067 | 08/11/1998 | Karell | | | |
| SAK | 5,792,478 | 08/11/1998 | Lawin et al. | | | |

| | | | |
|---|------------------|-----------------|----------------|
| EXAMINER | <u>Deepeelle</u> | DATE CONSIDERED | <u>9/11/05</u> |
| EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant. | | | |

| | | | | | |
|--|--|--|--|-------------------------------|-----------------------------------|
| FORM 1449* INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary) | | | | Docket Number: 13033.SUSCI | Application Number: 10/825,483 |
| | | | | Applicant: METZGER ET AL. | |
| | | | | Filing Date: 04/14/2004 | Group Art Unit: UNKNOWN |

| | | | | | | |
|-----------|-----------------|------------|-----------------|--|--|--|
| <i>MA</i> | 5,843,021 | 12/01/1998 | Edwards et al. | | | |
| <i>MA</i> | 5,853,004 | 12/29/1998 | Goodman | | | |
| <i>MA</i> | Ré 36,120 | 03/02/1999 | Karell | | | |
| <i>MA</i> | 5,897,579 | 04/27/1999 | Sanders | | | |
| <i>MA</i> | 5,922,006 | 07/13/1999 | Sugerman | | | |
| <i>MA</i> | 5,979,456 | 11/09/1999 | Magovern | | | |
| <i>MA</i> | 5,983,136 | 11/09/1999 | Kamen | | | |
| <i>MA</i> | 5,988,171 | 11/23/1999 | Sohn et al. | | | |
| <i>MA</i> | 6,098,629 | 08/08/2000 | Johnson et al. | | | |
| <i>MA</i> | 6,240,316 B1 | 05/29/2001 | Richmond et al. | | | |
| <i>MA</i> | 6,250,307 B1 | 06/26/2001 | Conrad et al. | | | |
| <i>MA</i> | 2001/0037133 A1 | 11/01/2001 | Kudson et al. | | | |

FOREIGN PATENT DOCUMENTS

| | DOCUMENT NO. | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION | |
|-----------|-------------------|------------|---------|-------|----------|-------------|----|
| | | | | | | YES | NO |
| <i>MA</i> | 199 20 114 A1 | 11/09/2000 | DE | | | X | |
| <i>MA</i> | 44 12 190 A1 | 10/12/1995 | DE | | | X | |
| <i>MA</i> | 0 706 808 A1 | 04/17/1996 | EP | | | | |
| <i>MA</i> | 1 039 859 B1 | 12/03/2003 | EP | | | X | |
| <i>MA</i> | 11-33120 | 09/02/1999 | JP | | | | X |
| <i>MA</i> | WO 01/19301 A1 | 03/22/2001 | PCT | | | | |
| <i>MA</i> | WO 01/23039 A1 | 04/05/2001 | PCT | | | | |
| <i>MA</i> | WO/2004/021869 A2 | 03/18/2004 | PCT | | | | |
| <i>MA</i> | WO/2004/021870 A2 | 03/18/2004 | PCT | | | | |
| <i>MA</i> | 1553140 A1 | 03/30/1990 | SU | | | Abstract | |

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

| | |
|-----------|---|
| <i>MA</i> | Aboubakr, S. et al., "Long-term facilitation in obstructive sleep apnea patients during NREM sleep", <i>J Appl Physiol</i> , Vol. 91, pp. 2751-2757 (December 2001) |
| <i>MA</i> | Badr, M. "Effect of ventilatory drive on upper airway patency in humans during NREM sleep", <i>Respiration Physiology</i> , Vol. 103, No. 1, pp. 1-10 (1996) |

| | | | |
|----------|-------------------|-----------------|----------------|
| EXAMINER | <i>Dee Bellie</i> | DATE CONSIDERED | <i>4/15/05</i> |
|----------|-------------------|-----------------|----------------|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.

| | | | |
|--|--|-------------------------------|-----------------------------------|
| FORM 1449* INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION <small>(Use several sheets if necessary)</small> | | Docket Number: 13033.SUSCI | Application Number: 10/825,483 |
| | | Applicant: METZGER ET AL. | |
| | | Filing Date: 04/14/2004 | Group Art Unit: UNKNOWN |

| | |
|--------------------|--|
| <i>[Signature]</i> | Boot, H. et al., "Long-Term Results of Uvulopalatopharyngoplasty for Obstructive Sleep Apnea Syndrome", <i>Laryngoscope</i> , Vol. 110, pp. 469-475 (March 2000) |
| | Boudewyns, A. et al., "Temperature-controlled Radiofrequency Tissue Volume Reduction of the Soft Palate (Sommoplasty®) in the Treatment of Habitual Snoring: Results of a European Multicenter Trial", <i>Acta Otolaryngol</i> , Vol. 120, pp. 981-985 (2000) |
| | Brietzke, S. et al., "Injection snoreplasty: How to treat snoring without all the pain and expense", <i>Otolaryngology-Head and Neck Surgery</i> , pp. 503-510 (May 2001) |
| | Cole, P. et al., Review Article "Snoring: A Review and a Reassessment", <i>The Journal of Otolaryngology</i> , Vol. 24, No. 5, pp. 303-306 (1995) |
| | Coleman, S. et al., "Midline radiofrequency tissue reduction of the palate for bothersome snoring and sleep-disordered breathing: A clinical trial", <i>Otolaryngology Head and Neck Surgery</i> , Vol. 122, No. 3, pp. 387-394 (March 2000) |
| | Collard, P. et al., "Why Should We Enlarge the Pharynx in Obstructive Sleep Apnea?", <i>Sleep</i> , Vol. 19, No. 9, pp. S85-S87 (1996) |
| | Courey, M. et al., "Histologic and Physiologic Effects of Electrocautery, CO ₂ Laser, and Radiofrequency Injury in the Porcine Soft Palate", <i>Laryngoscope</i> , Vol. 109, pp. 1316-1319 (August 1999) |
| | Dalmasso, F. et al., "Snoring: analysis, measurement, clinical implications and applications", <i>European Respiratory Journal</i> , Vol. 9, pp. 146-159 (1996) |
| | Dreher, A. et al., "Nasenatrünnungsbehinderung und schlafbezogene Atmungsstörungen", <i>Laryngo-Rhino-Otol</i> , Vol. 78, pp. 313-317 (1999) |
| | Ellis, P. et al., "Surgical relief of snoring due to palatal flutter: a preliminary report", <i>Annals of the Royal College of Surgeons of England</i> , Vol. 75, pp. 286-290 (1993) |
| | Fischer, Y. et al., "Die Radiofrequenzablation des weichen Gaumens (Sommoplastik)", <i>HNO</i> , Vol. 1, pp. 33-40 (2000) |
| | Gillette, P. et al., "Pediatric Cardiac Pacing", <i>Cardiology Clinics</i> , Vol. 10, No. 4, pp. 749-754 (November 1992) |
| | Harries, P. et al., "Review Article The surgical treatment of snoring", <i>Journal of Laryngology and Otology</i> , Vol. 110, pp. 1105-1106 (December 1996) |
| | Huang, L., "Flutter of Cantilevered Plates in Axial Flow", <i>Journal of Fluids and Structures</i> , Vol. 9, pp. 127-147 (1995) |
| | Huang, L. et al., "Biomechanics of snoring", 5 pages, (Source Unknown) (Date Unknown) |
| | Hukins, C. et al., "Radiofrequency Tissue Volume Reduction of the Soft Palate in Simple Snoring", <i>Arch Otolaryngol Head Neck Surgery</i> , Vol. 126, pp. 602-606 (May 2000) |
| | Li, K. et al., "Radiofrequency volumetric reduction of the palate: An extended follow-up study", <i>Otolaryngology Head and Neck Surgery</i> , Vol. 122, No. 3, pp. 410-414 (March 2000) |
| <i>[Signature]</i> | LaFrentz et al., "Palatal Stiffening Techniques for Snoring in a Novel Canine Model", <i>Abstracts of the Twenty-Second Annual Mid Winter Research Meeting of the Association for Research in Otolaryngology</i> , Abstract No. 499, Vol. 22, pp. 125-126 (February 13-18, 1999) |

| | | | |
|---|--------------------|-----------------|----------------|
| EXAMINER | <i>[Signature]</i> | DATE CONSIDERED | <i>9/21/05</i> |
| EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant. | | | |

| | | | |
|---|--|-------------------------------|-----------------------------------|
| FORM 1449* INFORMATION DISCLOSURE STATEMENT | | Docket Number: 13033.5USCI | Application Number: 10/825,483 |
| IN AN APPLICATION (Use several sheets if necessary) | | Applicant: METZGER ET AL. | |
| | | Filing Date: 04/14/2004 | Group Art Unit: UNKNOWN |

| | |
|--------------------|---|
| <i>[Signature]</i> | Lemperle, G. et al., "PMMA Microspheres (Artecoll) for Skin and Soft-Tissue Augmentation. Part II: Clinical Investigations", <i>Plastic and Reconstructive Surgery</i> , Vol. 96, No 3, pp. 627-634 (September 1995) |
| | Littlefield, P. et al., "Snoring surgery: Which is best for you?", <i>ENT-Ear, Nose, & Throat Journal</i> , Vol. 78, No. 11, pp. 861-870 (November 1999) |
| | Lorenz, C., "If he snores - what can you do about it?", <i>Today's Woman</i> , 2 pgs, (July 1948) |
| | Mair, E. et al., "Cautery-assisted palatal stiffening operation", <i>Otolaryngology Head and Neck surgery</i> , Vol. 122, No. 4, pp. 547-555 (April 2000) |
| | Nutrition for Life International Brochure, "Snoreless™ -A Natural Lubricant That Really Works!", 2 pages (December 1999) |
| | Our Health News Brochure, "Snore-Free Nights Guaranteed!", 2 pages (Date Unknown) |
| | Phillips, M., "Stenting therapy for stenosing airway diseases", <i>Respirology</i> , Vol. 3, pp. 215-219 (1998) |
| | Schwab, R. et al., "Dynamic upper airway imaging during awake respiration in normal subjects and patients with sleep disordered breathing", <i>Am Rev Respir Dis</i> , Vol. 148, pp. 1385-1398 (1993) |
| | Schwab, R., "Upper Airway Imaging", <i>Clinics in Chest Medicine</i> , Vol. 19, No. 1, pp. 33-54 (March 1998) |
| | Schwab, R. et al., "Upper airway and soft tissue anatomy in normal subjects and patients with sleep-disordered breathing", <i>Am Journal of Respir Crit Care Med</i> , Vol. 152, pp. 1673-1689 (1995) |
| | Schwartz, R. et al., "Effects of electrical stimulation to the soft palate on snoring and obstructive sleep apnea", <i>Journal of Prosthetic Dentistry</i> , Vol. 76, No. 3, pp. 273-281 (September 1996) |
| | Schwartz, A., "Pharyngeal Airway Obstruction in Obstructive Sleep Apnea", <i>Otolaryngologic Clinics of North America</i> , Vol. 31, No. 6, pp. 911-918 (December 1998) |
| | Sher, A. et al., "The Efficacy of Surgical Modifications of the Upper Airway in Adults With Obstructive Sleep Apnea Syndrome", <i>Sleep</i> , Vol. 19, No. 2, pp. 156-177 (1996) |
| | Somnoplasty Brochure, "Haven't you suffered from snoring long enough", 2 pages (Date Unknown) |
| | SNAP Brochure, "Our Diagnostic Procedures are a Snap!", <i>Snap Laboratories Glenview, IL</i> , 4 pages (Date Unknown) |
| | Stauffer, J. et al., "Pharyngeal Size and Resistance in Obstructive Sleep Apnea", <i>Amer Rev of Respir Disease</i> , Vol. 136, No. 3, pp. 622-627 (September 1987) |
| | Wheatley, J. et al., "Mechanical properties of the upper airway", <i>Pulmonary Med</i> , Vol. 4, pp. 363-369 (1998) |
| | Wiltfang, J. et al., "First results on daytime submandibular electrostimulation of suprathyroidal muscles to prevent night-time hypopharyngeal collapse in obstructive sleep apnea syndrome", <i>Intl Journ of Oral & Maxillofacial Surgery</i> , Vol. 28, pp. 21-25 (1999) |
| <i>[Signature]</i> | Winter, W. et al., "Enlargement of the lateral pharyngeal fat pad space in pigs increases upper airway resistance", <i>Amer Physiological Society</i> , pp. 726-731 (1995) |

| | | | |
|---|--------------------|-----------------|----------------|
| EXAMINER | <i>[Signature]</i> | DATE CONSIDERED | <i>9/21/05</i> |
| EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation and not considered. Include copy of this form for next communication to the Applicant. | | | |

